

MEMO ENDORSED



U.S. Department of Justice

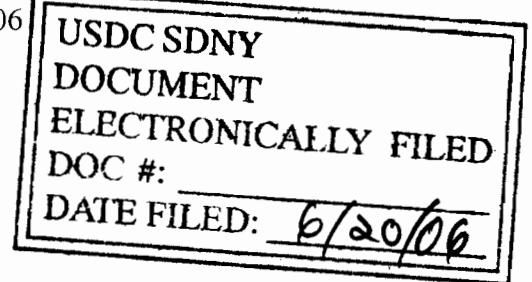
United States Attorney
Southern District of New York

86 Chambers Street, 3rd Floor
New York, New York 10007

June 9, 2006

BY HAND

Honorable John E. Sprizzo
United States District Judge
Thurgood Marshall United States Court House
40 Centre Street, Room 2201
New York, New York 10007-1581



Re: McLeish v. Gantner
No.: 05 Civ. 2780 (JES)

Dear Judge Sprizzo:

At the last conference in the above-referenced civil action, on April 3, 2006, the Court directed the Government to file a motion, by today, to dismiss the action for lack of prosecution, as the pro se plaintiff, Howard Carl McLeish, had taken no effective steps to move the action forward since filing his complaint in March 2005.

Although the Government stands ready to file such a motion, Mr. McLeish contacted this Office yesterday afternoon and stated that he, while not currently represented by counsel, plans to hire new counsel next week, and wishes to pursue this action.

For that reason, the Government respectfully submits that it would be inappropriate for it to file its motion at this time. Accordingly, I respectfully request that the Court schedule another conference on a date and at a time convenient to the Court, and extend the Government's time to file its motion (should the Court deem one proper) to a date to be set at that conference.

I thank the Court for its consideration of these requests.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By: F. James Loprest, Jr.
Special Assistant United States Attorney
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U.S.D.J.

APPLICATION GRANTED:

Argument 7/25/06 cancelled
and PTC 9/13/06 set at
300 pm at which a
briefing schedule shall
be set.
John E. Sprizzo
6-12-06